REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated February 21, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-22 are pending in the Application. By means of the present amendment, claims 1-22 are amended for better conformance to U.S. practice, such as amending dependent claims to begin with "The," and removing any dashes inadvertently included with the claims at filing. By these amendments, claims 1-22 are not amended to address issues of patentability, and applicants respectfully reserve all rights under the Doctrine of Equivalents. No new matter is added.

Applicant(s) respectfully request(s) the Examiner to acknowledge the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, claim 17 is rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants respectfully disagree with and explicitly traverse these grounds for rejecting claim 17. While it is applicants' position that the claims are statutory, in the interest of furthering the

prosecution of this matter, applicants have elected to amend the claims to more clearly state the invention.

Specifically, applicants have amended claim 17 to be in independent form and to more clearly recite that the claimed apparatus comprises a signal processing system capable of communicating with a disc drive system of a disc drive apparatus for writing data to and reading data from an optical disc, and that the disc drive system is designed for executing a method for dividing user storage space of the optical disc into one or more storage sections where a specific application is allowed to write and one or more sections where said application is not allowed to write. Claim 17 further recites that the method comprises a step of defining one or more availability parameter(s) which define(s) location and/or extent of at least one application-allowed storage section.

Clearly, claim 17 requires statutory subject matter and is in proper form. Accordingly, it is respectfully requested that the amendment to the claim 17 be entered and that the rejection of claim 17 under 35 U.S.C. §101 be withdrawn.

In the Office Action, claims 1-17 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,734,787 to Yonemitsu ("Yonemitsu").

Claim 1

With respect to independent claim 1, the Examiner asserts that Yonemitsu teaches a method for dividing user storage space of an optical disc into one or more storage sections where a specific application is allowed to write and one or more sections where said application is not allowed to write;

the method comprising the steps of:

defining one or more availability parameter(s) which define(s) location and/or extent of at least one application-allowed storage section [**col. 11, lines 12-49**].

Applicants respectfully assert that claim 1 is patentable in view of Yonemitsu for at least the following reasons.

Yonemitsu is directed to an optical disc that exhibits a higher access speed to permit quick access of arbitrary locations, such as sectors, for quick access. The optical disc includes an improved recording format that facilitates enhanced ability to identify and access any video data recorded on the optical disc.

Video data and audio data are recorded on the disc in "chapters," where each chapter is uniquely identified, the particular format of the recorded data being identified to permit compatible data recovery.

As distinguished, applicants' claim 1 method (and method of apparatus claim 17, amended hereby to independent form) call out dividing user space of an optical disc into one or more storage sections where a specific application is allowed to write and one or more sections where the application is not allowed to write. Yonemitsu does not disclose that its optical disc divided into one or more storage sections where a specific application is allowed to write and one or more sections where the application is not allowed to write. Nowhere does Yonemitsu disclose defining one or more availability parameter(s) which define(s) location and/or extent of at least one application-allowed storage section.

Yonemitsu at col. 11, lines 12-49, describes how its disk 100 is divided into separate areas: lead-in area, application program read/write area and lead-out area. The lead-in area, program area and lead-out area comprise a continuous memory block in the disk. The lead-in area has a fixed start address, and a fixed end

address. Preferably, the start address is a large negative number, and the end address of the lead-in area is correlated to (-1).

The program area starts at address 0, after the last address of the lead-in area. The program area extends a variable length in the continuous memory block. The lead-out area starts from "next" address after the last address comprising the variable length program area. The lead-out area extends to the last address of the disk (see, Yonemitsu Figs. 3, 4A, 4B). The lead-in area is shown to include TOC tracks, the program area comprising the variable amount of N sectors, the lead-out area beginning after N. Col. 11, lines 46-49 describe that the data recorded on a disc so arranged may admit different application program, but suggests that the separate tracks comprising the program area admit the same application.

Applicants understand that Yonemitsu prefers not to intermingle data in one sector of the program area, but that Yonemitsu does not divide user space of an optical disc into one or more storage sections where a specific application is allowed to write and one or more sections where the application is not allowed to write. For that matter, nowhere does Yonemitsu disclose defining one or more availability parameter(s) which define(s)

location and/or extent of at least one application-allowed storage section.

Accordingly, Yonemitsu does not include each of the elements of independent claim 1, and claim 1 therefore is not anticipated by Yonemitsu under 35 USC §102(b). Claims 2-6 depend from claim 1 and are patentable therewith. Applicants, therefore, respectfully request withdrawal of the rejection of claims 1-6 under 35 USC §102(b) in view of Yonemitsu.

Claim 7

With respect to independent claim 7, the Examiner asserts that Yonemitsu teaches a user-writeable optical disc having user storage space divided into one or more storage sections where a specific application is allowed to write and one or more sections where said application is not allowed to write;

the optical disc comprising a predetermined area or location of storage space where one or more availability parameter(s) is(are) stored which define(s) location and/or extent of at least one application-allowed storage section. [**col. 11, lines 12-49**].

Applicants respectfully assert that claim 7 is patentable in view of Yonemitsu.

Yonemitsu is directed to an optical disc that exhibits a higher access speed to permit quick access of arbitrary locations, such as sectors, for quick access. Yonemitsu at col. 11, lines 12-49, describes how its disk 100 is divided into separate areas: lead-in area, application program read/write area and lead-out area, as described in detail above in response to the rejection of claim 1 in view of Yonemitsu.

As distinguished from Yonemitsu, applicants' claim 7 sets forth a user-writeable optical disc having user storage space divided into one or more storage sections where a specific application is allowed to write and one or more sections where said application is not allowed to write, and the optical disc comprising a predetermined area or location of storage space where one or more availability parameter(s) is(are) stored which define(s) location and/or extent of at least one application-allowed storage section.

Yonemitsu does not divide user space of an optical disc into one or more storage sections where a specific application is allowed to write and one or more sections where the application is

not allowed to write. Moreover, nowhere does Yonemitsu disclose defining one or more availability parameter(s) which define(s) location and/or extent of at least one application-allowed storage section.

Accordingly, Yonemitsu does not include each of the elements of independent claim 7, and claim 7 therefore is not anticipated by Yonemitsu under 35 USC §102(b). Claims 8-12, 14 and 16 depend from claim 7 and are patentable therewith. Applicants, therefore, respectfully request withdrawal of the rejection of claims 8-12, 14 and 16 under 35 USC §102(b) in view of Yonemitsu.

Claim 13

With respect to independent claim 13, the Examiner asserts that Yonemitsu teaches a method of writing information to an optical disc comprising the steps of determining the value of the availability parameter(s), determining at least one predefined application-allowed storage section on the basis of said availability parameter(s), consulting application-specific recording location information regarding location and extent of recorded areas, selecting, within said application-allowed storage section, free area suitable for accommodating the information to be

written, taking into account said recorded areas as determined by said application-specific recording location information, and writing said information within said free area thus selected. [col. 11, lines 12-49].

Applicants respectfully assert that claim 13 is patentable in view of Yonemitsu.

Yonemitsu is directed to an optical disc that exhibits a higher access speed to permit quick access of arbitrary locations, such as sectors, for quick access. Yonemitsu at col. 11, lines 12-49, describes how its disk 100 is divided into separate areas: lead-in area, application program read/write area and lead-out area, as described in detail above in response to the rejection of claim 1 in view of Yonemitsu.

As distinguished from Yonemitsu, applicants' claim 13 sets forth a method of writing to an optical disk including determining the value of the availability parameter(s), determining at least one predefined application-allowed storage section on the basis of said availability parameter(s), and consulting application-specific recording location information regarding location and extent of recorded areas. The method includes selecting, within said application-allowed storage section, free area suitable for

accommodating the information to be written, taking into account said recorded areas as determined by said application-specific recording location information, and writing to the selected free area.

Yonemitsu does not write to an optical disk by determining the value of the availability parameter(s), determining at least one predefined application-allowed storage section on the basis of said availability parameter(s), and consulting application-specific recording location information regarding location and extent of recorded areas. Nor does Yonemitsu select, within said application-allowed storage section, free area suitable for accommodating the information to be written, taking into account said recorded areas as determined by said application-specific recording location information, and writing to the selected free area.

Accordingly, Yonemitsu does not include each of the elements of independent claim 13, and claim 13 therefore is not anticipated by Yonemitsu under 35 USC §102(b). Claim 15 depends from claim 13 and is patentable therewith. Applicants, therefore, respectfully request withdrawal of the rejection of claims 13 and 15 under 35 USC §102(b) in view of Yonemitsu.

Conclusion

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By _____

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
May 21, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101